

Message Text

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TO SECSTATE WASHDC 5947

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E.O. 11652: N/A

TAGS: CASC, CZ

SUBJ: CHILD CUSTODAY CASE / JIRI SAFAR

REF: STATE 32839, PRAGUE 381

1. DISTRICT COURT IN BRNO REVERSED DECISION OF LOWER COURT, THEREBY AWARDING CUSTODAY OF JIRI SAFAR TO BOY'S CZECH FATHER RATHER THAN MRS. COURTNEY. DECISION SUBJECT TO JUDICIAL REVIEW IN PRAGUE, AT WHICH TIME IT CAN BE EITHER CONFIRMED OR IF ERROR IN PROCEDURE IS DETERMINED, NULLIFIED. HOWEVER, BRNO COURT DECISION CANNOT BE REVERSED.
2. COURTNEYS AWARE THAT IF DECISION IS NULLIFIED IN JUDICIAL REVIEW, CASE MUST BE RE-OPENED IN BLANSKO COURT WHICH HAD ORIGINAL JURISDICTION

THEY HAVE ENGAGED PRAGUE LAWYER KNOWN TO EMBASSY, ARE CURRENTLY PLANNING ALTERNATIVE COURSES OF ACTION AND WILL RETURN TO US O/A APRIL 1ST.
3. WRITTEN DECISION OF BRNO REVIEW COURT REVERSING ORIGINAL JUDGEMENT HAS NOT YET BEEN MADE AVAILABLE TO COURTNEYS. EMBASSY HOPES TO OBTAIN COPY FROM COURTNEYS OR THEIR LAWYER.
4. HOWEVER, IN INFORMAL CONVERSATION ABOUT CASE WITH MFA OFFICIAL, CHIEF CONSULAR SECTION WAS TOLD THAT BY VIRTUE PROVISIONS IN CSSR LEGAL CODE AND JUDGEMENTS ESTABLISHING LEGAL PRECEDENT IN CASES SIMILAR TO COURTNEYS, A PARENT IN CSSR SEEKING CUSTODY OF CHILD WHEN OTHER PARENT RESIDES ABROAD WILL LIKELY BE AWARDED SUCH CUSTODY UNLESS PROVEN INCOMPETENT OR JUDGES INCAPABLE OF PROVIDING PARENTAL CARE. THIS MAY HAVE UNCLASSIFIED

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BEEN DECIDING LEGAL FACTOR IN COURTNEY CASE, BUT UNTIL WRITTEN

DECISION IS AVAILABLE, THIS CANNOT BE DETERMINED FOR SURE.

5. CONOFFS TO MEET WITH COURTNEY LAWYER AND WILL REPORT ANY PLANS
RE FUTURE LEGAL ACTIONS AND ALSO BASIS BRNO COURT DECISION
WHEN OBTAINED.
WORTZEL

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